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11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California
15 Corporation,

16 Plaintiff,

17 v.

18 BURLINGTON COAT FACTORY DIRECT
19 CORPORATION, a Delaware Corporation;
20 TREND TEXTILE, INC., a California
21 Corporation; MEETU MAGIC, INC., a New
22 York Corporation; MS. BUBBLES, INC., a
23 California Corporation; ZZ FASHION
24 CORP., a California Corporation; and DOES
25 1 through 10,

26 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

27
28 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to
this honorable Court for relief based on the following:

1 8. Plaintiff is informed and believes and thereon alleges that Defendant MS.
2 BUBBLES, INC. (“MS. BUBBLES”) is a corporation organized and existing under
3 the laws of the state of California, with its principal place of business located at 2731
4 S. Alameda Street, Los Angeles, California 90058.

5 9. Plaintiff is informed and believes and thereon alleges that Defendant ZZ
6 FASHION CORP. (“ZZ FASHION”) is a corporation organized and existing under
7 the laws of the state of California, with its principal place of business located at 7210
8 Dominion Circle Commerce, California 90040.

9 10. Plaintiff is informed and believes and thereon alleges that Defendants
10 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed
11 Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights,
12 or have engaged in one or more of the wrongful practices alleged herein. The true
13 names, whether corporate, individual or otherwise, of Defendants 1 through 10,
14 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
15 by such fictitious names, and will seek leave to amend this Complaint to show their
16 true names and capacities when same have been ascertained.

17 11. Plaintiff is informed and believes and thereon alleges that at all times
18 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
19 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
20 at all times acting within the scope of such agency, affiliation, alter-ego relationship
21 and/or employment; and actively participated in or subsequently ratified and/or
22 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
23 circumstances, including, but not limited to, full knowledge of each violation of
24 Plaintiff’s rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO DESIGN NO. 62194

12. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 62194 (“Subject Design A”) which has been registered with the United States Copyright Office.

13. Prior to the acts complained of herein, Plaintiff widely disseminated fabric bearing Subject Design A to numerous parties in the fashion and apparel industries.

14. Plaintiff is informed and believes and thereon alleges that following its distribution of Subject Design A, TREND, BURLINGTON, DOE Defendants, and each of them distributed and/or sold fabric and/or garments featuring a design which is substantially similar to Subject Design A (hereinafter “Subject Product A”) without Plaintiff’s authorization, including but not limited to products sold by BURLINGTON under Style No. 679857, SKU 90428236 and bearing the label “tacera” and RN 137570, indicating that it was manufactured by or for TREND.

15. An image of Subject Design A and an exemplar of Subject Product A are set forth hereinbelow:

Subject Design A



Subject Product A



CLAIMS RELATED TO DESIGN NO. 62634

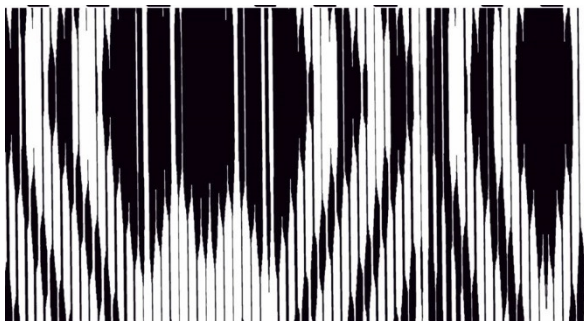
16. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 62634 (“Subject Design B”) which has been registered with the United States Copyright Office.

17. Prior to the acts complained of herein, Plaintiff widely disseminated fabric bearing Subject Design B to numerous parties in the fashion and apparel industries.

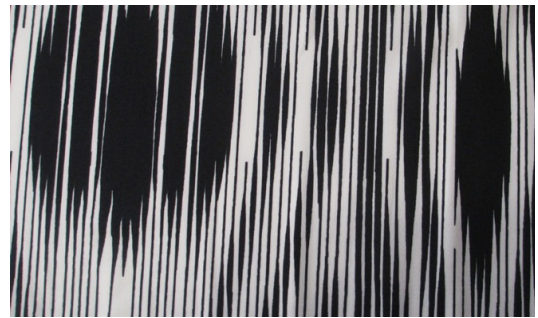
18. Plaintiff is informed and believes and thereon alleges that following its distribution of Subject Design B, MAGIC, BURLINGTON, DOE Defendants, and each of them, manufactured, distributed, and/or sold fabric and/or garments comprised of fabric featuring a design which is identical, or substantially similar, to Subject Design B (hereinafter “Subject Product B”) without Plaintiff’s authorization, including but not limited to products sold by BURLINGTON under SKU 642-81553961 and bearing the label “MAGIC” and RN 94479, indicating that it was manufactured by or for MAGIC.

19. An image of Subject Design B and an exemplar of Subject Product B are set forth hereinbelow:

Subject Design B



Subject Product B



CLAIMS RELATED TO DESIGN NO. 62805

20. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 62805 (“Subject Design C”) which has been registered with the United States Copyright Office.

21. Prior to the acts complained of herein, Plaintiff sampled and sold fabric bearing Subject Design C to numerous parties in the fashion and apparel industries.

22. Plaintiff is informed and believes and thereon alleges that following this distribution of product bearing Subject Design C, BURLINGTON, MS. BUBBLES, and DOE Defendants, and each of them, manufactured, distributed, and/or sold fabric and/or garments comprised of fabric featuring a design which is identical, or substantially similar, to Subject Design C (hereinafter “Subject Product C”) without Plaintiff’s authorization, including but not limited to products sold by BURLINGTON under SKU 265-43915796 and bearing the label “Passport” and RN 89970, indicating that it was manufactured by or for MS. BUBBLES.

23. An image of Subject Design C and an exemplar of Subject Product C are set forth hereinbelow:

Subject Design C



Subject Product C



CLAIMS RELATED TO DESIGN NO. 64756

24. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 64756 (“Subject Design D”) which has been registered with the United States Copyright Office.

25. Prior to the acts complained of herein, Plaintiff sampled and sold fabric bearing Subject Design D to numerous parties in the fashion and apparel industries.

26. Plaintiff is informed and believes and thereon alleges that following this distribution of product bearing Subject Design D, BURLINGTON, ZZ FASHION, and DOE Defendants, and each of them, manufactured, distributed, and/or sold fabric and/or garments comprised of fabric featuring a design which is identical, or substantially similar, to Subject Design D (hereinafter "Subject Product D") without Plaintiff's authorization, including but not limited to products sold by BURLINGTON bearing the label "Black Rainn," SKU 450-61363304 and RN 139276, indicating that it was manufactured by or for ZZ FASHION.

27. An image of Subject Design D and an exemplar of Subject Product D are set forth hereinbelow:

Subject Design D



Subject Product D



FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

28. Plaintiff repeats, realleges and incorporates herein by reference as though

1 fully set forth the allegations contained in the preceding paragraphs of this
2 Complaint.

3 29. Plaintiff is informed and believes and thereon alleges that Defendants, and
4 each of them, had access to Subject Designs A, B, C, and D (collectively, "Subject
5 Designs"), including, without limitation, through (a) access to Plaintiff's showroom
6 and/or design library; (b) access to illegally distributed copies of Subject Designs by
7 third-party vendors and/or DOE Defendants, including without limitation
8 international and/or overseas converters and printing mills; (c) access to Plaintiff's
9 strike-offs and samples, and (d) access to garments in the marketplace manufactured
10 with lawfully printed fabric bearing Subject Designs.

11 30. Plaintiff is informed and believes and thereon alleges that one or more of
12 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is
13 further informed and believes and thereon alleges that said Defendant(s), and each of
14 them, has an ongoing business relationship with Defendant retailers, and each of
15 them, and supplied garments to said retailers, which garments infringed Subject
16 Designs in that said garments were composed of fabric which featured unauthorized
17 print designs that were identical or substantially similar to Subject Designs, or were
18 an illegal modification thereof.

19 31. Plaintiff is informed and believes and thereon alleges that Defendants, and
20 each of them, infringed Plaintiff's copyright by creating, making and/or developing
21 directly infringing and/or derivative works from Subject Designs and by producing,
22 distributing and/or selling Subject Products through a nationwide network of retail
23 stores, catalogues, and through on-line websites.

24 32. Due to Defendants', and each of their, acts of infringement, Plaintiff has
25 suffered damages in an amount to be established at trial.

26 33. Due to Defendants', and each of their, acts of copyright infringement as
27 alleged herein, Defendants, and each of them, have obtained profits they would not
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1 otherwise have realized but for their infringement of Subject Designs. As such,
2 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
3 attributable to the infringement of Subject Designs in an amount to be established at
4 trial.

5 34. Plaintiff is informed and believes and thereon alleges that Defendants, and
6 each of them, have committed copyright infringement with actual or constructive
7 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
8 and continue to be, willful, intentional and malicious.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff prays for judgment as follows:

- 11 a. That Defendants—each of them—and their respective agents and
12 servants be enjoined from importing, manufacturing, distributing,
13 offering for sale, selling or otherwise trafficking in any product that
14 infringes Plaintiff's copyrights in Subject Designs;
 - 15 b. That Plaintiff be awarded all profits of Defendants, and each of them,
16 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
17 or, if elected before final judgment, statutory damages as available under
18 the Copyright Act, 17 U.S.C. § 101 et seq.;
 - 19 c. That Plaintiff be awarded its attorneys' fees as available under the
20 Copyright Act U.S.C. § 101 et seq.;
 - 21 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
 - 22 e. That Plaintiff be awarded the costs of this action; and
 - 23 f. That Plaintiff be awarded such further legal and equitable relief as the
24 Court deems proper.
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1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
2 38 and the 7th Amendment to the United States Constitution.

3 Dated: March 16, 2016

DONIGER/BURROUGHS

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5 By: /s/ Stephen M. Doniger
6 Stephen M. Doniger, Esq.
7 Howard S. Han, Esq.
8 Attorneys for Plaintiff
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